

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action of October 17, 2003, in which the Examiner (1) rejected claims 1 through 5 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,689,100, issued to Carrithers et al. ("**Carrithers**"), (2) rejected claim 33 under 35 U.S.C. §102(b)) as anticipated by U.S. Patent No. 5,650,604, issued to Marcous et al. ("**Marcous**"), and (3) rejected claims 6 through 32 under 35 U.S.C. §103(a) as unpatentable over **Marcous** in view U.S. Patent No. 5,461,217, issued to Claus ("**Claus**").

Applicants note that the **Carrithers** reference, referred in the remarks, was not noted as a cited reference on Form PTO-812 provided by the Examiner. If **Carrithers** has not in fact been formally made of record in the application, Applicants respectfully request that such be done.

By the present response, Applicants have replaced claim 1 with new claim 34, canceled claim 4, added new claims 35 through 39, and have amended claims 2, 6 and 22. Applicants believe the claims are now clearly distinguished from the cited references. For example, new independent claim 34 recites that the present invention is a method for transferring money from a sender to a recipient, and among other things, includes the steps of "receiving money at a money transfer location in the form of cash or negotiable instrument from the sender, along with information on the recipient that is to receive the money", "establishing a stored value account upon receipt of the money from the sender", "debiting the stored value account for the money transferred", and "maintaining any balance in the stored value account" so that "the balance may be used for one or more subsequent transactions". Similar limitations are now also recited in amended independent claim 6.

Such steps and limitations are neither shown or suggested in **Carrithers**, **Marcous**, **Claus**, either individually or as combined by the Examiner. **Carrithers** discloses a debit card and incentive award system (a debit card account is credited with cash and incentive awards, and the debit card is later used at merchants to make purchases and the like). **Marcous** discloses a system wherein cash may be transferred between a sender and a recipient, with the sender and recipient each using an ATM or the like, and with the sender providing a security

code and a PIN to the recipient for use when withdrawing the transferred cash. **Claus** shows the transfer of money between a sender and a recipient, where each uses a smart card for sending or receiving the transferred money. None have the combined features of Applicants' invention, wherein money may be presented at a money transfer location, wherein the sender provides information on the recipient at the money transfer location, with the received money placed in a stored value account so that after money is transferred to the recipient, any remaining balance in the account may be used by the sender for subsequent transactions. Applicants' method has the advantages of the sender being able to deposit a sum of cash or negotiable instrument with a transfer agent, intending for a transfer to another person, yet permitting the sender to maintain any balance not transferred in the stored value account for subsequent use.

Independent claim 6 now recites the steps just described plus the additional steps of the recipient being provided various payment options, and the payment to the recipient being made in accordance with the requested option.

Each of the claims dependent on independent claims 6 and 34 cite further limitations in combination with the limitations in their respective parent claims, which are likewise neither shown or suggested in the cited references.

As to independent claim 33, Applicants have not amended such claim inasmuch as it is believed the subject matter thereof is not anticipated by **Marcous** as stated by the Examiner. In claim 33, it is recited that the recipient of the transferred money is paid by "initializing a stored value card and storing the value of the money on the stored value card". **Marcous** discloses dispensing cash to the recipient at an ATM, but does not disclose providing the transferred money in the form of a stored value card. Thus, claim 33 is believed allowable over **Marcous**.

New independent claim 38 (and new dependent claim 39) recites subject matter similar to claims 6 and 34, but combined with additional limitations not shown in the references (e.g., providing means for contacting a customer service representative in order to receive a transaction number). Such additional limitations are disclosed in the Specification, e.g., at page 8 (lines 15-26) and page 16 (lines 7-22).

Appl. No. 10/040,568
Amdt. dated December 9, 2003
Reply to Office Action of October 17, 2003


PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,


Stephen F. Jewett
Reg. No. 27,565

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
SFJ:bhr
60095929 v1